

HOUSE BILL No. 1925

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-6.1-5-16; IC 20-8.1-5.2.

Synopsis: Citations for smoking on school property. Authorizes a teacher or school administrator to issue a citation to a person who is less than 18 years of age for unlawful possession of tobacco if the alleged violation occurs on or within 1,000 feet of school property. Establishes procedures for the teacher or school administrator to follow when issuing the citation. Requires each citation to be issued on a written citation form approved by the state police department. Requires the principal of the school to forward a copy of any citation that is issued to the local prosecuting attorney's office. Provides that a teacher is entitled to be absent from work with pay whenever the teacher is summoned to testify in court about a minor's alleged unlawful
(Continued next page)

Effective: July 1, 1999.

Cheney, Hasler

January 27, 1999, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.



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Digest Continued

possession of tobacco on or near school property. Requires the state to reimburse a school corporation for the costs of a substitute teacher who is hired as the result of the teacher's absence from work to testify about the smoking violation.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1925

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-6.1-5-16 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 16. (a) A teacher is entitled to be absent from work**
4 **with pay any time the teacher is summoned to testify in court about**
5 **an alleged violation of IC 35-46-1-10.5 (unlawful possession of**
6 **tobacco by a minor) that allegedly occurs on or within one**
7 **thousand (1,000) feet of school property.**

8 **(b) The state shall reimburse a school corporation for the costs**
9 **of a substitute teacher who is hired as the result of a teacher's**
10 **absence under subsection (a).**

11 SECTION 2. IC 20-8.1-5.2 IS ADDED TO THE INDIANA CODE
12 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 1999]:

14 **Chapter 5.2. Citations Issued for Unlawful Possession of**
15 **Tobacco by Minors on or Near School Property**

1999

IN 1925—LS 6962/DI 76+



1 **Sec. 1.** As used in this chapter, "principal" includes a principal's
2 designee.

3 **Sec. 2.** A teacher or school administrator has the same authority
4 as a law enforcement officer to issue a citation to a person who is
5 less than eighteen (18) years of age for unlawful possession of
6 tobacco under IC 35-46-1-10.5 if the alleged violation occurs on or
7 within one thousand (1,000) feet of school property.

8 **Sec. 3.** A teacher or school administrator who issues a citation
9 under this chapter shall do the following:

10 (1) Inform the person who allegedly commits the violation
11 about the legal authority of a teacher or school administrator
12 to issue the citation under this chapter.

13 (2) Issue the citation on the written form described in section
14 5 of this chapter.

15 (3) Sign the citation.

16 (4) Take any necessary steps to ensure that a copy of the
17 citation is forwarded to the local prosecuting attorney's office
18 in compliance with section 4 of this chapter.

19 **Sec. 4.** The principal of a school where a citation is issued under
20 this chapter shall forward a copy of the citation to the local
21 prosecuting attorney's office not more than three (3) days after the
22 citation is issued.

23 **Sec. 5.** The state police department shall design and approve a
24 written citation form to be used if a citation is issued under this
25 chapter. The form must include the following:

26 (1) Any relevant information about the nature of the charge
27 and the responsibilities of the person who allegedly commits
28 the violation.

29 (2) A written statement about the legal authority of a teacher
30 or school administrator to issue the citation.

31 (3) A place for the following:

32 (A) The name and position of the person who issues the
33 citation.

34 (B) The name, address, and telephone number of the school
35 where the citation is issued.

36 **Sec. 6.** Upon request, a local law enforcement agency shall send
37 citation forms described in section 5 of this chapter to a principal
38 of any school in the area.

